

*Application No. 09/934178*  
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*Amendment*  
*Attorney Docket No. S63.2N-5605-US05*

### **Remarks**

This Amendment is in response to the Office Action dated November 8, 2005, wherein claims 16-19 were objected to; the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter; and claims 9-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 5,902,317 to Kleshinski et al (Kleshinski).

The following comments are presented in the same order and with paragraph headings corresponding to the Office Action.

### **Claim Objections**

In the Office Action claims 16-19 were objected to. As indicated above, the instant claims have been amended as suggested by the Examiner. No new matter has been added.

### **Specification**

In the Office Action the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter under 37 CFR 1.75(d)(1).

37 CFR 1.75(d)(1) requires that the meaning of the terms in the claims may be ascertainable by reference to the description. In regard to the instant claims, this requirement is met. All of the elements put forth in the instant claims are fully supported by the original disclosure as filed. The Office Action points particularly to the "new claim language of claim 9-16 and the language of claims 17-20". The meaning of any term used in claim amendments previously filed is readily ascertainable by reference to the description. As such, Applicants respectfully request withdrawal of the objection.

### **Claim Rejections – 35 USC §102**

In the Office Action claims 9-20 were rejected under §102(e) as being anticipated by Kleshinski.

Instant claims 9 and 16 both describe a stent wherein a plurality of cells, each of which have first and second ends that are offset in a circumferential direction. This element is simply not present in the Kleshinski reference. In the various stent embodiments shown and

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described in Kleshinski, each cell has ends which are circumferentially aligned, not offset, as the instant claim recites. Even if one considers the circumference of the Kleshinski stent or the circumference of any individual cells of a Kleshinski stent, it remains apparent that the ends of the cells are circumferentially aligned and not offset. Applicants are unclear how the Examiner concludes that the ends of the cells of Kleshinski are circumferentially offset because "the ends of the cells are offset in a circumferential direction when that direction is taken along the circumference of the cells." As a result Applicants respectfully request withdrawal of the rejection.

Regarding instant claim 17, the claim describes a stent wherein each cell the peaks of the proximal portion are offset circumferentially from the troughs of the distal portion. In Kleshinski the troughs of a proximal portion are circumferentially aligned with the peaks of the distal portion. As a result the rejection is respectfully traversed.

#### Conclusion

Claims 9-20 are believed to be in condition for allowance. Withdrawal of the objections and rejections is requested.

Respectfully submitted,

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